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Utah (Ter.) Governor (G. L. Woods)

Rare Book

GOVERNOR'S MESSAGE

TO THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH.

EXECUTIVE DEPARTMENT,

SALT LAKE CITY, UTAH TERRITORY, JAN. 13, 1874.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I congratulate you upon your speedy organization, and accept it as an earnest that we shall have a harmonious and useful session. By the Act of Congress organizing this Territory, the law-making power is vested in the Governor and Legislative Assembly. The responsibility is great, but it is our duty to so use the trusts committed to our keeping as best to promote the general welfare.

There is much that is important for us to do. The length of your session is fixed by law, and we should so use the time allotted to us as to be able to complete the legislation so much needed. Not unmindful, I trust, of that courtesy which should always characterize the official conduct of co-ordinate departments in their relations with each other, I submit that, in my judgment, much of the legislation of this Territory, in the past, has been incomplete and unsatisfactory.

We cannot ignore the fact that there has been much confusion and difficulty in attempting to enforce the laws of the Territory in the past; and that such confusion and difficulty now exist. Much, if not all, of these conflicts and vexatious uncertainties have arisen directly from defective or improper legislation.

It is our imperative duty to remedy these evils; and I trust that we shall be able to bring order out of confusion, and, from the fragments, build a temple so perfect, so complete in all of its parts, as to shield every citizen, and protect alike the rights of all.

By an inspection of the Territorial Statutes, it will be seen that many of the laws, now being enforced, were "Ordained by the General Assembly of the State of Deseret," a QUASI organization which existed prior to the organization of this Territory by Congress, but never possessed of any validity. True, these laws were "adopted" by a Joint Resolution of the Territorial Legislature. But that is insufficient. It may, with reason, be questioned whether the Legislative Assembly can legislate upon any subject by Joint Resolution. I do not think it can. The Legislature was clothed by Congress with full power to legislate upon all rightful subjects, in the form prescribed by the Organic Act. That is to say that each

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enactment should be had separately, signed and approved by the Governor, and submitted to Congress for approval. It cannot be claimed that any of these laws "Ordained by the General Assembly of the State of Deseret," and adopted by Joint Resolution, ever received the approval of the Governor; and this is absolutely essential to make them of any binding force and effect. It may be claimed that these are questions to be determined only by the Courts. It is answered that it is the province and the duty of the law making power to pass upon the sufficiency and validity of all laws, and to make such corrections as, in their judgment, may seem necessary. I therefore call your special attention to all laws of the class referred to, and ask that such as may be deemed essential, be enacted separately, and that all others be declared void.

EDUCATION.

In my Message to the Legislative Assembly, at its last session, I urged the early establishment of a good and efficient system of Common Schools, but nothing was done.

Knowing, as I do, that intelligence constitutes the very life of the Republic, the shield of our liberties as a people, I cannot too strongly appeal to you to take such action at this session, as will secure the object so much desired by all good citizens.

It is not my purpose to specify what a School Law should contain in all its parts, but leave much to your judgment in the premises.

Every observer of society, every reader of history, every student of political economy knows that educated mind, refined society, and free government are inseparable; and as every citizen alike shares the blessings and benefits of good government, so all alike should be required to contribute to that which gives to it its greatest strength. I know of no good reason why the rich man, who has no children of his own to educate should not be compelled by law to contribute of his means to educate the children of his neighbor, who is poor, and unable of himself to do so. And so with the man of wealth, who, besides educating his own children, is able to do more.

Justice, good citizenship, every impulse of a higher civilization demands that such should give of their substance to this great work, and I would compel it by law. Let such a system of taxation be adopted as will accumulate a fund, which will be sufficient for the establishment of a thorough system of free schools throughout our borders. Free Schools are among the highest evidences of civilization; and I cannot refrain from expressing the hope that the time is not far distant, and soon will come, when a liberal education will be placed within the reach of every child within the Republic. And I would not have Utah behind in this great work.

Give to the people a thorough system of Free Schools, that our prospective new State may be built upon the solid foundation of intellectual strength. In this connection permit me to suggest, that all moneys arising from fines, and forfeitures, should be given to the General School Fund; thus compelling the violators of the law to contribute to the good of society, by promoting the cause of education.

I call your attention, also, to an act, entitled, "An Act providing for the management of certain property," approved January 20th, 1854, which provides "That the Probate Judge in each County is empowered and required to take possession of all property left by any deceased or absconded person, when there is no legal claimant known, or sufficiently near to see to it in season; and shall forthwith appraise and make two lists of said property, and keep one on file, and forward one to the Treasurer of the "Perpetual Emigration Fund," and at the earliest practicable date, the Probate Judge shall place that property, or the avails thereof, in the possession of said Fund, the value thereof to remain until proven away by a legal claimant, when said Judge shall give an order therefor on the Treasurer."

By an act entitled, "An Act amending, confirming, and legalizing an Ordinance incorporating the 'Perpetual Emigration Fund Company,'" approved January 12th, 1856, said Company was placed exclusively under the supervision, management, and control of the "Church of Jesus Christ of Latter-day Saints;" and the entire proceeds of the business of the Company was made to inure to the benefit of the "Perpetual Emigration Fund." Thus, practically, giving all moneys, arising from the estate of deceased persons, in the absence of a legal claimant, to the Church of Jesus Christ of Latter-day Saints, to be used for church purposes. The propriety of so using these moneys is seriously questioned.

Such funds are in the nature of an inheritance, by the people, and as such, belong alike to every person in the Territory—moneys that cannot rightfully be used to promote the interests of any one class of persons, to the exclusion of any other class. Will any one pretend to say that there are not as good reasons to be offered in favor of its use to promote the interest of the Catholics, the Episcopalians, the Presbyterians, the Methodists, or any other denomination of Christians, as can be advanced in behalf of the "Church of Jesus Christ of Latter-day Saints." There can be but one answer—all alike are without any right to any part thereof. It is in violation of the fundamental doctrines upon which the Republic is founded, to permit any Church, or the people of any religious belief, to share any privileges which are not accorded alike to all. It is not sufficient to say that where a large majority of the people are of a particular religious faith, they, possessing the political power, have the right to control the revenues of a country in such a manner as to them may seem just and proper. Governments were not established for the benefit of majorities, but for the purpose of protecting minorities.

Individual rights, and not collective rights, constitute the true foundations of all just Governments. Hence it follows that if there is any number of men, however small that number may be, who object to the moneys acquired in this way being used by any Church, for any purpose whatever, where they do not derive an equal benefit therefrom with every other citizen, it is the duty of the law-making power to correct the evil, and protect them in their rights. And I doubt not you will agree with me, that, for these reasons, the law which places these moneys under the control of a particular Church, should be repealed, and a law enacted in its stead, requiring that all revenues of that nature, when acquired, shall be so used as to benefit every citizen alike.

To accomplish this, I recommend that a law of Escheats be enacted, and that all estates escheating to the Territory, be given to the general school fund. And I also recommend that the "Perpetual Emigration Fund Company" be required to surrender all moneys or other property of that character, now in their possession, to be used for the same purpose.

Inasmuch as the law organizing the "Perpetual Emigration Fund Company" does not require its officers to make any report of its doings to any one, it is impossible for me to communicate to you the amount of the fund so accumulated; but as the Company has been in operation eighteen years, it is fair to presume that a large amount is now on hand, which should be made available, at once, for educational purposes.

THE COURTS.

That our courts are in a lamentable condition is apparent to all. It is said that the Territorial Marshal is not and cannot be legally elected, under the law, as it now stands. That the act of the Legislative Assembly, creating the office and providing for the filling of the same, is void, for the reason that it is in express violation of the seventh Section of the Organic Act. It is said that the Probate Courts, rightfully, have no equity or criminal jurisdiction, and yet exercise both.

It is said that the jury law is defective, and that no panel can be drawn, under the present law, that will be legal. To all these points I call your special attention.

The rapid growth of the Territory, in population and wealth and enterprise, and the vast amount of capital seeking investment in our midst, make it all important that remedies at law be made speedy and certain. As it now is, properties, of incalculable value, are in constant jeopardy, and citizens of profitable business and honest purpose are subjected to the villainies of the unscrupulous, without the means of protection. We have it in our power to correct these evils, and it is our duty to do so. Let the law which provides for the election of the Territorial Marshal, by the joint vote of the Legislative Assembly, be repealed, and a law enacted, in its stead, which will be in accordance with the provision of the Organic Act. Let the jurisdiction of the Probate Courts be clearly defined, depriving them, by positive enactment, of all equity and criminal jurisdiction, and confining them strictly to Probate business, and let the Jury system be so corrected that a panel can be had whose verdict will be legal and binding. It is unnecessary, I trust, for me to say, that, in matters of so much importance, it is our duty to rise above all pre-conceived opinions, and labor alone for the public good. That such will be your course of action I have no doubt.

TERRITORIAL OFFICERS.

In this connection permit me to call your special attention to the legal status of the Territorial officers. The seventh section of the Organic Act provides that all Territorial officers shall be nominated by the Governor, and confirmed by the Legislative Council.

The Legislative Assembly have provided for the election of all Territorial officers by the joint vote of the two Houses of that body, independent of the Governor. That this is in violation of the Organic Act is evident.

All of the Territorial offices are now filled in accordance with the provisions of Acts of the Legislative Assembly, and, I doubt not, you will agree with me, that their election, without the nomination of the Governor, in legal contemplation, is a nullity. The officers so elected are the Attorney General, Marshal, Treasurer, Librarian, Auditor of Public Accounts, Superintendent of Public Instruction, Warden of the Penitentiary, and Notaries Public. We cannot ignore the fact that the question of the legality of the election of the officers enumerated has been a fruitful source of much vexation, trouble and uncertainty, producing distrust and delay in our courts, thereby doing a serious public injury. Our duty is plain. Let all the laws providing for the election of Territorial officers by the Legislative Assembly be repealed, and a law enacted instead, providing for the filling of such in accordance with the requirements of the Act of Congress organizing the Territory.

PENITENTIARY.

I call your special attention to the condition and management of the Penitentiary. In my judgment its present condition is far from being satisfactory, and I call upon you to make the necessary correction.

The office of Warden of the Penitentiary is one of great responsibility, requiring vigilance, judgment, kindness of heart, executive ability and integrity. Under the direction and control of such an officer, the management of a prison is an easy matter. And in view of the peculiar character of the duties of a Warden, I respectfully suggest that as much power over the internal affairs of the prison, in the management of convicts, as good judgment will permit, be conferred upon that officer. Section four of an act entitled, "An Act in relation to the

Penitentiary," approved January 20th, 1860, confers upon the "Board of Directors of the Utah Penitentiary" the power to appoint the clerk, overseers, guards, and all other necessary officers of the Penitentiary. The selection and employment of all subordinate officers of the Penitentiary naturally belong to the Warden, who alone can judge of the fitness of persons for these delicate and important trusts. And I recommend that the section referred to be repealed, and that the Warden be made the recipient of such power. And further, by an Act entitled, "An Act further defining the duties of the officers of the Penitentiary, and for other purposes," approved January 18th, 1861, the Board of Directors of the Penitentiary are authorized to lease the Penitentiary, Warden House, and other buildings connected therewith, together with the convicts, to parties who may bid therefor, and in the event that the Penitentiary and convicts are not rented by the Board of Directors, the Warden is authorized to hire the convicts out. I do not approve of this.

The Penitentiary and the buildings connected therewith are the property of the United States, and as such, the Legislative authority of the Territory has no right to authorize any person or persons to lease them, under any circumstances. Nor do I approve of that portion of the Act in question which authorizes the Warden to hire out the prisoners to such parties, and for such purposes, as he may deem proper. The central idea of punishment for crimes, of a lesser grade than those punished with death, so far as it applies to the criminal, in person, is his reformation from the paths of vice, and his restoration to good citizenship. Everything, therefore, which in prison-life tends to degrade and humiliate the convicts should be prohibited by law. Under the present system, convicts have been made to labor upon the streets of our Capital,and in the most public places. Humanity revolts at the idea of compelling human beings to perform labor, as convicts, with a ball and chain and the uniform of prison life, in the midst of the busy throng, constantly subjected to the gaze of the curious, or in contact, it may be, with relatives and friends. The law allowing such treatment ought to be repealed, and the Warden compelled to keep the convicts in the Penitentiary. Under the present law the singular spectacle is presented of a Penitentiary without a convict in it; the prisoners being kept in county jails, in cribs, and in such places as the Warden may deem proper.

MERIT MARKS.

To the end that good behavior may be encouraged among the convicts, I recommend that you establish a system of merit-marks, crediting good behavior, which shall entitle the convict to a deduction of a certain number of days from the term of his sentence. This system has been tried in some of the sister States, and has produced good results, and I hope it will be adopted in Utah.

Under the law as it now is, ten hours per day, of hard labor, may be exacted of convicts, and while it is admitted that the guilty should be punished for wrong doing, I am of the opinion, considering the degradations and hardships of prison life, that ten hours' hard labor, for each day, is harsh and unnecessary. The voice of humanity pleads in their behalf. Governments should be generous and kind to the unfortunate ones who fall into the clutches of violated law, and, heeding its appeal, I recommend that the law be so amended as to require only eight hours of labor from the inmates of the Penitentiary. And I also recommend that the Governor of the Territory be authorized and required to inquire into the management of the Penitentiary and its inmates, and all county jails, giving to such officer power to correct abuses, and aid in improving the discipline of such prisons.

PARDONING POWER.

The pardoning power, lodged with the Governor by the Organic Act, is one of the most delicate and, at the same time, one of the most impor-

tant trusts committed to his keeping. And often it is exceedingly difficult for the Executive to determine whether a pardon should be granted, left as he now is, without any means of knowing the nature of the evidence upon which conviction was had. To the end that a helping hand may be extended to the Executive and justice promoted, I urge you to enact a law, requesting the prosecuting officer, in all criminal cases, when convictions are had, whether for offences against the laws of the United States or the Territory of Utah, to prepare a full synopsis of the evidence adduced on the trial, and forward the same to the Governor of the Territory, by him to be kept for reference, should applications for pardons or reprieves be made.

CRIMINAL PRACTICE ACT.

I call your attention to the fact that there is now, substantially, no Criminal Practice Act in this Territory, and I earnestly recommend the enactment of such a law, governing legal proceedings in criminal cases, as will meet this public want. To facilitate your efforts and lessen your labors in this behalf, permit me to suggest that you adopt the criminal code of one of the sister States, built up and perfected by years of trial and experience, making such modifications and additions as will adapt it to the wants and harmonize it with the laws of the Territory.

SALARIES.

An inspection of the laws of Utah discloses the fact, as peculiar as it is unfortunate, that no provision is made for the compensation of Territorial Officers. The idea of service, founded in justice and equity, implies compensation. And this obligation is as strong between the Government and its Officers as between individuals. And in all cases where the services of the citizen are required, it is the duty of the power requiring such services, to fix and determine, in advance, what the compensation shall be. The practice in Utah, hitherto, has been to require the services of Territorial Officers, and fix a salary by appropriation, in the nature of a Relief Bill, after such service has been rendered. This is not just. It leaves the officer, after having given his time and attention to the duties of his office, wholly at the mercy of the Legislature, who may fail, neglect, or refuse to make compensation, leaving the public servant without remedy. It is our duty to make it impossible that injustice may be done; and, to that end, I recommend that reasonable salaries for all Territorial Officers be fixed by law, to be paid from the Territorial treasury.

MILITIA.

Inasmuch as the militia organization known as the Nauvoo Legion has been a fruitful source of trouble in the past, it is proper that I should call your attention to the law upon that subject, and ask you to make such corrections as the circumstances may demand.

Section 1, of an Act, entitled, "an Act for the organization of the Militia of the Territory of Utah," approved January 15, 1857, provides that the "Lieutenant General of the Nauvoo Legion, aided by six or more commissioned officers of the line or staff, to be selected by him," shall be authorized and empowered "to draft and adopt a system of laws and regulations for the militia of the Territory of Utah," and "to create and fill such offices, as are or may be necessary for its organization," which "laws and regulations" were to be in full force "from and after their publication."

In the month of July, of the same year, the committee, so appointed, "published" a "system of regulations," and that system of regulations constitutes the only militia law of this Territory. That "system of regulations" was never reported back to the Legislature, never passed the two houses, never received the approval of the Governor. It is simply the unfinished work of a committee, and, as such, can have no binding force

and effect. To the end that a militia organization may be perfected, by the authority of law, I recommend the passage of a law providing for the organization of a militia, the legality of which cannot be questioned.

ELECTIONS.

The right to vote is the highest manifestation of sovereignty, the most sacred privilege of American citizenship, and whatever hinders the free and untrammelled expression of the will of the voter at the polls, is wrong, and should not be tolerated. I do not think that the election law of this Territory, now in force, is a good one. Section 5, of an Act entitled, "an Act regulating elections," approved January 3d, 1853, provides that "Each elector shall provide himself with a vote containing the names of the person he wishes elected, and the offices he would have them fill, and present it, neatly folded, to the Judge of the election, who shall number and deposit it in the ballot-box; the Clerk shall then write the name of the elector, and opposite it the number of his vote."

All experience has shown that voting *viva voce*, or by a numbered ballot, is liable to subject the citizen to a degrading surveillance, and prevents that free expression of his will that lies at the very foundation of our system of government. I do not hesitate to say that I am unalterably opposed to all such. They are but the whip which may be used by the strong to drive the weak and compel submission to their wishes. And for the credit of Utah, I urge you to abolish the numbering of the ballot, and give to the people, instead, a secret ballot, the only safeguard of our liberties, making it impossible for one citizen to know how another citizen voted, or to improperly influence his vote. There is now no law fixing the time when the canvass of votes shall be had, and certificates of election issued. Nor is there any provision allowing any other than the Probate Judge, County Clerk, and Selectmen, to be present at the counting of the votes.

I suggest to you that a time should be fixed by law for the canvassing of the votes, and that any person voted for at such election shall have the privilege, if he so desire, to be present at such counting.

CIVIL PRACTICE ACT.

I think the Civil Practice Act is defective in many respects; and without calling your attention to the many changes needed, I suggest that a revision of the same at this session is necessary. And further, I respectfully suggest, that in my judgment, it would be well whenever, on the trial of any action at law in the District Courts, it shall be found to turn on important or doubtful principles of law, to authorize a special verdict to be found. And I would also provide that in all cases where the parties agree upon the facts, that such agreement, when signed by the parties or their attorneys, shall be made a part of the record; and that all questions of law arising on special verdicts, agreed cases, motions for new trial, and the like, arising in any manner in the District Courts, in law or equity, may be transferred into the Supreme Court for decision, conferring upon the Supreme Court the right to give judgment, remand the cause, or make an order, according to the law and justice of the case.

DEEDS.

I call your attention to the fact that there is not now, nor has there ever been, any satisfactory statute in this Territory regulating conveyancing; no law prescribing how a deed shall be executed, nor requiring the registration of the same. Thus leaving the entire real estate transactions of the Territory in that anomalous condition which must necessarily result in much confusion and vexatious litigation in the future. I cannot urge you too strongly to give this matter, so important to every citizen, so necessary to our future weal, your early attention.

STATUTE OF FRAUDS.

In this connection I call your attention to the fact that we have no Statute of Frauds. We need such a Statute, and I cannot refrain from expressing the hope that you will meet this public want without delay.

MARRIAGE.

In my message to the Legislative Assembly, at its session in 1872, I urged that body to enact a law upon the subject of Marriage; but I regret to say that nothing was done. There is now no one in this Territory authorized by law to unite persons in wedlock. That there should be is apparent to all. And I recommend that all ministers of the gospel, regularly ordained as such, and all Judges of the Courts of Record, and all Justices of the Peace, be authorized by law to pronounce the marriage ceremony. The marriage relation lies at the foundation of all good society; and I doubt not that you will agree with me, that all rights incident to that sacred relation, should be clearly defined and firmly established by a plain and positive Statute, and I hope that it will be done at this session. While I do not wish to present to you, in detail, the many features that should be contained in the law, you will permit me to suggest, that in my judgment, a marriage license should be required of all persons before they can be united in wedlock, which license should be issued by the County Clerk of the County in which the parties reside, requiring such Clerk to keep a record of all such licenses issued by him. I would also require all persons uniting parties in wedlock to furnish the County Clerk with a certificate of such marriage, to be recorded by him in a book kept for that purpose. And it would be well to make it a crime for any person to unite parties in marriage who have not first procured license therefor.

RIGHTS OF MARRIED PERSONS.

Section 4, of an Act, entitled an Act to protect the Rights of Married Persons, approved February 16, 1872, declares that "The right of dower shall not exist in this Territory." I approved that Bill; but after due reflection, I am satisfied that in so doing I made a mistake. And I recommend that that portion of the Act referred to be repealed at this session.

SECRETARY'S FEES.

The Second Section of the Act of Congress organizing this Territory, makes it the duty of the Governor to "commission all officers who shall be appointed to office under the laws of this Territory." Inasmuch as most of the labor connected therewith is performed by the Secretary of the Territory, without compensation, I recommend that a reasonable fee be allowed such officer to be paid by the person receiving such commission.

PROBATE JUDGES.

Section 23, of an Act, entitled, "an Act in relation to the Judiciary," approved January 18, 1855, provides that "Judges of Probate for the several counties shall be elected by the joint vote of the Legislative Assembly. I recommend the repeal of that Section, and ask that such officers be elected by the people. Many arguments could be advanced in favor of the change, but I deem it unnecessary. The genius of our government, so well understood by every citizen, requires that the right to select their own officers be exercised by the people, who are the immediate source of all authority, and I would have it so in Utah, so far as it can be done under the act of Congress organizing the Territory.

Permit me, also, to suggest that there is great need of a Probate Practice Act, systematizing the practice in Probate business. We also need a Statute of descent, and distribution of the estates of deceased persons.

BRANCH MINT.

The establishment of a Branch Mint by the General Government at some central point in this Territory has become an absolute necessity. And I urge you to memorialize Congress upon that subject, and to use all proper means at your command to secure that which is so much needed.

GEOLOGICAL SURVEY.

Of Utah, so rich in mineral wealth and so full of promise, but little is known in a scientific sense, and I recommend that a geological survey of the Territory be authorized, and that an appropriation of money be made, by you, sufficient to meet the expenses of the same.

INCORPORATIONS.

Section 1, of an Act entitled "an Act providing for Incorporating Associations, for Mining, Manufacturing, Commercial, and other Industrial pursuits," approved February 18, 1870, requires that two-thirds of the whole number of Directors of all Corporations organized within the Territory shall be residents of the Territory. Capitalists, from all parts of the Republic, are making investments in our midst, for mining, manufacturing and other purposes; and in the organization of Companies, under the law as it now stands, they are compelled to select a majority of their Directors from persons, residents here, who have no personal interest whatever in the enterprise over which they are to exercise control. The effect of such a law is to prevent capital from coming to the Territory. I hope that it may be repealed. Before dismissing this subject I would also suggest that all incorporations organized in this Territory be required to file their Articles of Incorporation in the office of the Secretary of the Territory.

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FINANCE.

I am happy to be able to communicate to you that the financial condition of the Territory is all that can be desired. The Territory is free from all indebtedness, and now has a balance in the Treaaury of $35,-655.47.

For a more detailed statement, I refer you to the Reports of the Treasurer and Auditor of Public Accounts, copies of which are herewith transmitted.

CENTENNIAL CELEBRATION.

The United States Centennial Commission, by a circular issued Nov. 12, 1873, invited each State and Territory to appoint a Board of Managers to act in conjunction with the Centennial Commissioners of the several States and Territories, in making preparation for a proper representation at the Centennial Celebration of American Independence, to be holden in the city of Philadelphia, in the year 1876.

The suggestion is a good one, and I recommend that such Board be created, and ask that you appropriate a sum of money sufficient to enable them to make such preparation as will reflect credit upon the people of the Territory.

CONCLUSION.

It is impossible for me at this time to present to you, in detail, all the legislation which is needed in the Territory; but it is your duty to extend a helping hand. And, in conclusion, permit me to express the hope that a spirit of harmony and good will may preside over all your deliberations; that prudence and sound judgment may characterize your legislation; and that in the end much good may be done.

GEORGE L. WOODS,
Governor of Utah.

AUDITOR'S REPORT.

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To His Excellency, George L. Woods,
Governor of Utah.

Sir:—As provided by law I hereby respectfully present Annual Report of Assessments and Disbursements for the Territory of Utah, for the year ending December 31st 1872, as appears on the books of this office.

STATEMENT FIRST.

ASSESSMENT AND TERRITORIAL TAX ARISING THEREON.

COUNTY.	Assessment.	Territor'l Tax.
Salt Lake,	$7,694,908 00	$19,237 27
Box Elder,	1,485,556 00	3,713 89
Utah,	1,317,664 00	3.294 16
Weber,	1,118,140 00	2.795 35
Cache,	808,060 00	2,020 15
Summit,	704,112 00	1,760 28
Davis,	691,948 00	1,729 87
Sanpete,	580,236 00	1,450 59
Tooele,	559,888 00	1,399 72
Washington,	482,924 00	1 207 31
Morgan,	392,316 00	980 79
Millard,	374,512 00	936 28
Iron,	336,324 00	840 81
Juab,	330,000 00	825 00
Kane,	225,052 00	562 63
Beaver,	199,344 00	498 36
Wasatch,	121,944 00	304 86
Sevier,	88,568 00	221 42
Rich,	49,256 00	123 14
Piute,	29,808 00	74 52
Total,	$17,590,560 00	$43,976 40

STATEMENT SECOND.

DISBURSEMENTS BY WARRANTS ISSUED ON TERRITORIAL TREASURY.

ROADS AND BRIDGES.

For Sevier Bridge in Juab County, approved Feb. 16, 1872	$1,500 00	
" " Bridge near Salina, approved Feb. 16, 1872	1,000 00	
" St. George and Kanab road " " "	1,000 00	
" " " Logan road, approved Feb. 18, 1870	328 19	
" Beaver Dam and Muddy Valley Road, approved Feb. 21, 1868	128 16	
" St. George and Lower Muddy Road, approved Jan. 19, 1866	15 25	$3,971,60

PENITENTIARY.

" For Board etc. of Prisoners on Orders of Directors	$1,300 00

TERRITORIAL MARSHAL'S OFFICE.

" For Court Expenses, Arresting and Boarding Prisoners, etc.,	$5,343 31

ATTORNEY GENERAL.

" Salary for the year 1872	$1,000 00	
" Office Rent etc. for 1870 and 1871, approved Feb. 16, 1872	200 00	$1,200 00

SUPERINTENDENT COMMON SCHOOLS.

For Salary for the year 1872	600 00	
" Printing, Stationery, Postage etc. for 1872	130 70	$730 70

AUDITOR'S OFFICE.

For Salary for the year 1872	600 00	
" Stationery for the year 1872, approved Feb, 16, 1872	65 15	
" Rent of Office for the year 1872, approved Feb. 16, 1872	50 00	
" Postage paid during the year 1871, " " "	24 50	
" Postage paid during the year 1872,	25 85	
" Printing blank Auditor's warrants, approved Feb. 16, 1872,	8 00	
" Printing Official Certificates	3 00	
" Advertising Auditor's Warrants	43 50	
" Territorial Seal for Secretary's Office, Express, Charges, &c.,	28 20	
" Official Seal for Auditor's Office	12 00	
" Printing and Folding Brand Sheets, approved Feb. 16, 1872	179 00	$1,039 20

TREASURER'S OFFICE.

For Salary for the year 1872	400 00	
" Stationery for the year 1872	25 00	
" Cost of Safe for Treasurer's Office, approved February 16, 1872	350 00	
" Cost of Cancelling Stamp, approved Feb. 16, 1872	10 00	$785 00

LIBRARIAN'S OFFICE.

For Salary for the year 1872	400 00	
" Rent of Library Rooms 1870 and 1871, approved Feb. 16, 1872	600 00	
" Binding Library Books, approved Feb 16, 1872	200 00	$1,200 00

SUPERINTENDENT METEOROLOGICAL OBSERVATIONS.

For Salary of W. W. Phelps to March 10, 1872	36 67	
" Salary of E. L. T. Harrison from 8th May to Dec, 31, 1872,	129 25	$165 92

DESERET UNIVERSITY.

" University Expenses for 1872, approved Feb. 16, 1872	6,000 00	
" Timpanogos Branch, " " "	3,000 00	
" To Locate University Lands, " " "	500 00	
" St. George Normal School, " " "	1,000 00	$10,500 00

INSANE ASYLUM.

For Assistance, to sustain Insane Asylum 1872, approved Feb. 16, 1872,		$2,000 00

PUBLIC PRINTING.

For Contingent Fund drawn by A. M. Cannon, approved Feb. 16, 1872		$2,000 00

INCIDENTAL EXPENSES.

For Legislative Expenses Session 1871 and 1872, resolution Feb 15, 1872	400 00	
" Services as Road Commissioner to Theo. McKean, approved Feb. 16, 1872	300 00	
" Work on Wanship wagon road to G. G. Snyder, approved Feb. 16, 1872	613 50	
" Compiling Laws, to F. D. Richards Commissioner, approved Feb 16, 1872	225 00	
" Services as Engrossing Clerk, to P. Lynch, approved Feb. 16, 1872	120 00	
" Engrossing, to Joseph F. Smith, approved Feb. 16, 1872	90 00	
" Plot of Ogden City, to J. W. Fox, approved Feb. 16, 1872	25 00	
" Relief of A. Stayner, paid him, " " "	442 66	
" " E. M. Sanders, paid him, " " "	112 98	
" " W. C. Mitchel, " " "	100 41	
" " Rufus Allen, " " " "	63 00	
" Services as Sheriff, to Stephen Taylor, approved Feb. 18, 1870	50 00	
" Services as Sheriff, to P. Cranny, approved Feb. 18, 1870	50 00	$2,592 55
Total Disbursements for the year 1872		$32,828 28
Warrants of recent date in circulation Dec. 31, 1871		98 00
Warrants issued in the first years of Territorial existence not heretofore included in any report		$1,948 00
Total warrants in circulation during the year		$34,874 28
Warrants redeemed per Treasurer's report		34,864 53
Auditor's Warrant unredeemed at this date		9 75

STATEMENT THIRD.

AMOUNTS HERETOFORE APPROPRIATED NOT YET DISBURSED.

MARSHAL'S OFFICE.

For Expenses of District Courts, approved Feb. 16, 1872.....		$5,512 40

INSANE ASYLUM.

For Assistance for the year 1873, approved Feb. 16. 1872.....		2,000 00

INCIDENTAL.

For Relief of W. I. Appleby, approved Feb. 18, 1870.....		22 00

ROADS AND BRIDGES.

For Opening a road from Provo River at Provo City.....	$2,000 00	
" Building Forts in Kane County.....	1,000 00	
" Road between Meadow Valley and the Muddy.....	696 00	
" State Road West.....	21 86	
" Salt Lake City and Black Rock road.....	17 00	$3,734 86
	Total	$11,269 10

The surplus Auditor's Warrants amounting to $194.80, mentioned on previous page as not heretofore included in any report, have been unnoticed from year to year, for the reason that all the many efforts have from time to time been made to call in all outstanding warrants, in order to ascertain definitively how many were in circulation, those efforts were not successful. Until a few years back there were no surplus funds in the Treasury, and warrants could rarely be redeemed with money, hence the difficulty of calling them in. Circumstances are now more favorable, and the Legislative Assembly at the last session, authorized the Auditor to call in all warrants by public advertisement. It is believed that there are now old warrants afloat, and that $1,948 will cover the amount.

The existence of these surplus warrants originated during the first six years from the organization of the Territory, when but little system was used in keeping the Territorial accounts. J. W. Cummings in his report as Auditor, dated Nov. 1, 1856, says, "What amount of the above (referring to Auditors Warrants) is now in circulation, or those previously issued, I have no means of determining," and the surplus could not be ascertained at any time previous to the present.

Very Respectfully,

WILLIAM CLAYTON,
Auditor of Public Accounts.

Salt Lake City, Jan, 2nd, 1873.

TO HIS EXCELLENCY, GEORGE L. WOODS,
GOVERNOR OF UTAH TERRITORY.

Dear Sir:—I respectfully beg leave to hand you my annual report as Auditor of Public Accounts for the Territory of Utah, for the year 1873, which please find in the following exhibits, to wit:

COUNTY.	Total value of assessed property.	Total tax Territorial.
Salt Lake,	$9,960,956 00	$24,902 39
Box Elder,	1,549,008 00	3,872 52
Utah,	1,423,692 00	3,559 23
Weber,	1,411,744 00	3,529 36
Tooele,	956 700 00	2,391 75
Cache,	909,156 00	2,272 89
Summit,	706,576 00	1,766 44
Davis,	692,088 00	1,730 22
Sanpete,	656,728 00	1,641 82
Washington,	545,840 00	1,364 60
Millard,	462,368 00	1,155 92
Morgan,	461,172 00	1,152 93
Juab,	440,732 00	1,101 83
Iron,	377,772 00	944 43
Kane,	293,344 00	733 36
Beaver,	261,848 00	654 62
Wasatch,	176,636 00	441 59
Sevier,	144,668 00	361 67
Rich,	80,000 00	200 00
Piute,	37,320 00	93 30
Total	$21,548,348 00	$53,870 87

WARRANTS ISSUED ON THE TREASURY DURING THE YEAR.

WARDEN'S OFFICE.

Cost of Iron Cells and appurtenances	$1,351 99	
Cost of Prison Furniture and appendages	427 11	
Board, Clothing &c., for prisoners	4,824 31	
Paid for Guard Service	2,118 94	
Paid on Warden's services	2,100 00	$9,922 35

TERRITORIAL MARSHAL'S OFFICE.

Paid Rewards and Expenses Arresting Prisoners	$ 672 25	
Sundry Expenses of U. S. Courts, Juror's &c	8,149 95	$8,822 20

ASYLUM.

Balance of Appropriation Feb. 16, 1872	$2,000 00

ROADS AND BRIDGES.

Paid appropriation for opening road to Provo City	$2,000 00

AUDITOR'S OFFICE.

Paid for Stationery for 1873	$ 61 25	
" Official postage for 1873	27 15	
" On Rent of Office for 1873	50 00	
" Printing and Folding five sheets of Brands	205 00	
" Auditor's Salary for 1873	600 00	$943 40

ATTORNEY GENERAL'S OFFICE.

" Salary for 1873	$1,000 00

OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS.

" Printing Blanks, Circulars &c	$ 94 25	
" Stationery for Office 1873	50 00	
" Official Postage for 1873	25 00	
" Salary of Superintendent for 1873	600 00	$769 25

TREASURER'S OFFICE.

" Stationery for current year	$ 25 00	
" Salary of Treasurer for 1873	400 00	$425 00

TERRITORIAL LIBRARY.

" Salary of Librarian for 1873	$400 00

METEOROLOGICAL OBSERVATIONS.

" Salary of Superintendent for 1873	$200 00

COMPILING LAWS.

" Checks of Commissioner on Account	$575 00
Total	$27,057 20

Add Warrants in circulation Dec. 31, 1872	9 75
Total circulating warrants during the year	$27,066 95
Redeemed at the Treasury per Treasurer's report	27,066 95

In addition to which the Treasurer has redeemed $79.50 of old warrants, of the original issue not fully accounted for, as previously reported.

The following balances, heretofore appropriated, are yet unexpended, and remain standing to the credit of the accounts named on the books of this office, to wit:

For compiling laws, or so much thereof as necessary	$1,200 00
For building forts in Kane County	1,000 00
For improving Muddy Valley road	696 00
To W. I. Appleby, deceased	22 00
For improving Salt Lake City and Black Rock road	17 00
For improving State road west of Salt Lake City	21 86
Total	$2,956 86

In order to close accounts on the Auditor's books, preparatory to entering up appropriations which may be made during the approaching session of the Legislative Assembly, for future use, it will be necessary for that Honorable Body to appropriate the sums represented in the following statement, and I respectfully ask that action thereon may be taken during the early days of the Session.

The several accounts requiring appropriations are as follows:

WARDEN'S OFFICE.

For expenses of Territorial prisoners, Warden's services, cost of Iron Cells, Furniture, Tools &c	$11,222 35

MARSHAL'S OFFICE.

Expenses of United States Courts, rewards for, and cost of arresting prisoners, in excess of appropriation 1872	$3,309 66

ATTORNEY GENERAL'S OFFICE.

On account of two years services 1872-3	$2,000 00

SUPERINTENDENT COMMON SCHOOLS.

For two years services, 1872-3	$1,200 00	
" Printing Circulars etc, 1872	50 00	
" Stationery and postage for 1872	80 70½	
" Printing blanks, forms, circulars etc, 1873	94 25	
" Stationery and postage for 1873	75 00	$1,499 95

SUPERINTENDENT METEOROLOGICAL OBSERVATORY.

" Amount paid W. W. Phelps, deceased, for services 1872	$ 36 69	
" " paid E. L. T. Harrison, for services in 1872	129 25	
" " " " " " " in 1873	200 00	$365 92

AUDITOR'S OFFICE.

For two years services 1872-3	$1,200 00	
" Expenses of Territorial seal for Secretary's Office	28 20	
" Auditor's Official Seal	12 00	
" Advertising, calling in Warrants 1872	43 50	
" Printing Official blank certificates	3 00	
" Postage paid during the year 1872	25 85	
" Stationery for the year 1873	61 25	
" Postage paid during the year 1873	27 15	
" Printing brands, in excess of appropriation	200 00	$1,600 95

TREASURER'S OFFICE.

For two years services 1872-3	$ 800 00	
" Stationery. postage etc, for 1872	25 00	
" Cancelling stamp for office	10 00	
" Stationery, postage etc. for 1873	25 00	$860 00

LIBRARIAN'S OFFICE.

For two years services of Librarian, 1872-3	$800 00
Total	$21,658 83

SALT LAKE CITY, Jan. 1st, 1874.

Respectfully submitted,

WILLIAM CLAYTON,

Auditor of Public Accounts.

TREASURER'S REPORT.

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TERRITORIAL TREASURER'S OFFICE,
Salt Lake City, U. T., December 31st, 1872.

TO HIS EXCELLENCY, GEORGE L. WOODS,
GOVERNOR OF UTAH TERRITORY.

Dear Sir:—I respectfully submit herewith my annual report of the Receipts and Disbursements of this Office for the year ending at date.

RECEIPTS.

AMOUNTS RECEIVED FROM THE ASSESSORS AND COLLECTORS OF THE FOLLOWING COUNTIES:

Beaver,	$ 852 40
Box Elder,	3,855 91
Cache,	2,455 00
Davis,	2,247 21
Iron,	523 41
Juab,	1,143 50
Kane,	439 61
Morgan,	1,274 16
Millard,	693 00
Piute,	61 75
Rich,	528 19
Salt Lake,	10,214 95
Sanpete,	1,503 90
Summit,	1,915 00
Sevier,	192 81
Tooele,	520 75
Utah,	3,174 90
Weber,	2,505 93
Washington,	896 38
Wasatch,	557 73
Common Schools, Godbe & Co.,	16 00
Total Receipts,	$35,572 49
Add balance on hand Dec. 31, 1871,	31,023 69
Grand Total,	$66,596 18

DISBURSEMENTS.

Auditor's Warrants received at the Treasury, as per accompanying statement in detail,	$34,864 53
Balance in the Treasury,	$31,731 65

Salt Lake City, Dec. 31st, 1872.

JAMES JACK,
Territorial Treasurer.

TERRITORIAL TREASURER'S OFFICE,
Salt Lake City, U. T., December 31st, 1873.

TO HIS EXCELLENCY, GEORGE L. WOODS,
GOVERNOR OF UTAH TERRITORY.

Dear Sir:—I respectfully submit herewith my annual report of the Receipts and Disbursements of this Office, for the year ending at date.

RECEIPTS.

AMOUNTS RECEIVED FROM THE ASSESSORS AND COLLECTORS OF THE FOLLOWING COUNTIES:

Beaver,	$ 313 85
Box Elder,	3,220 00
Cache,	2,025 00
Davis,	2,060 10
Iron,	917 10
Juab,	335 00
Kane,	464 75
Morgan,	850 00
Millard,	596 [illegible]5
Piute,	89 00
Rich,	60 00
Salt Lake,	10,023 75
Sanpete,	1,096 35
Summit,	1,570 00
Sevier,	160 00
Tooele,	1,369 02
Utah,	2,636 70
Weber,	1,998 20
Washington,	929 55
Wasatch,	355 65
Total,	$31,070 27
Add balance on hand Dec. 31, 1872,	31,731 65
Grand Total,	$62,801 92

DISBURSEMENTS.

Auditor's Warrants redeemed at the Treasury, as per accompanying statement in detail,	$27,146 45
Balance in the Treasury,	$35,655 47

Salt Lake City, Dec. 31st, 1873.

JAMES JACK,
Territorial Treasurer.

GAYLAMOUNT
PAMPHLET BINDER
Manufactured by
GAYLORD BROS. Inc.
Syracuse, N. Y.
Stockton, Calif.